

JOHN J. JORDAN, ESQ. (State Bar No. 175678)
400 Montgomery Street, Suite 200
San Francisco, CA 94104
Tel: (415) 391-4814
Fax: (415) 391-4308

FILED

Counsel for Defendant
Lennie Luan Le

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LENNIE LUAN LE, et. al.,

Defendants.

No. CR 13-0076 RMW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING
ON WIRETAP MOTION**

The United States, by Assistant U.S. Attorney Richard Cheng, and the defendants, through their counsel of record, hereby move this Court to vacate the hearing date of June 1, 2015 and re-set the filing dates of the wiretap motions, to allow time for the parties to review discovery.

1. The defendants are charged by indictment with conspiracy with 8 other individuals to conduct an illegal gambling enterprise, in violation of 18 U.S.C. §§ 1555(a) and 371 (count one); and conducting an illegal gambling enterprise, in violation of 18 U.S.C. §§ 1555(a) and 2 (count two). Le is charged alone in count three of the indictment with interference with commerce by threats or violence, under the Hobbs Act, in violation of 18 U.S.C. § 1951(a).

1 2. The case is now set for a hearing on the defendant's wiretap motion before this
2 Court on June 1, 2015. A pre-trial hearing date is also set for August 27, 2015, and trial is set
3 for September 8, 2015. This stipulation is concerned only with the wiretap motion hearing date.

4 3. On April 13, 2015, Counsel for Lennie Le timely filed an opening wiretap motion.
5 One issue raised in the motion was the redaction of large portions of the wiretap affidavits
6 provided by the government.

7 4. The government subsequently provided Counsel for Le with a new copy
8 of the wiretap affidavits that replaces much of the information originally redacted. Counsel for
9 Le will now need to file a supplemental opening brief, discussing the new material now disclosed
10 to the defendant.

11 5. After the United States provided defendant with this additional discovery,
12 Counsel for Lennie Le and the government met and conferred regarding the status of the case,
13 and agreed that the defendant should have an additional opportunity to review the new material
14 and then file a supplemental opening brief.

15 6. The parties accordingly ask the Court to continue the wiretap motion hearing from
16 June 1, 2015 until July 20, 2015, at 9:00 a.m. In addition, the parties ask the Court to amend the
17 current motion schedule and set the following schedule: defense supplemental brief to be filed by
18 June 1, 2015; government opposition to be filed June 22, 2015; defense replies to be filed July 6,
19 2015; with a hearing date on July 20, 2015.

20 7. All parties stipulate and agree that the ends of justice are served by granting a
21 continuance to facilitate review of discovery outweigh the interest of the public and the
22 defendants in a speedy trial, to allow continuity of counsel and effective preparation of counsel,
23 taking into account the need for due diligence, in accordance with Title 18, sect. 3161(h)(8)(A).
24 In addition, motions are currently pending before this Court, and time has already been excluded
25 up to and including the trial date of September 8, 2015.

26 8. Accordingly, the parties ask the Court to re-set the motions schedule, as set out

1 above, and continue the matter until July 20, 2015, and order that time be excluded under the
2 Speedy Trial Act until that date.

3 So Stipulated:

4 /S/
RICHARD C. CHENG
Assistant U.S. Attorney

5 /S/
JOHN J. JORDAN
Counsel for Defendant
6 LENNIE LUAN LE
7

8 /S/
BENJAMIN WINN WILLIAMS
Counsel for Defendant
9 QUOC CHI TRAN

10 /S/
MICHAEL HINCKLEY
Counsel for Defendant
11 TU XUAN NGUYEN
12

13 /S/
PHILLIP ALLEN SCHNAYERSON
Counsel for Defendant
14 DUNG MINH DINH

15 /S/
VARELL LAPHELLE FULLER
Counsel for Defendant
16 QUE HONG NGUYEN
17

18 /S/
FRANK BELL
Counsel for Defendant
19 JOHNNY KIM TO

20 /S/
VAN TUONG LY
Counsel for Defendant
21 MINDY TU
22

23 /S/
MARK ALAN ARNOLD
Counsel for Defendant
24 NGAN KIM DIEP
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 13-0076 RMW
)	
Plaintiff,)	(Proposed) ORDER CONTINUING
vs.)	WIRETAP MOTION HEARINGS
)	
LENNIE LUAN LE, et. al.,)	
)	
Defendants.)	
_____)	

GOOD CAUSE APPEARING, it is ordered that:

1. The date for motion hearing for round two of the defendant's pre-trial motions, concerning possible challenges to the court-ordered wiretap interceptions in this case, is vacated, and a new briefing and hearing schedule is hereby set, with defense supplemental motions to be filed by June 1, 2015, government opposition to be filed by June 22, 2015, defense reply briefs to be filed by July 6, 2015, and a hearing date set on July 20, 2015, at 9:00 a.m.

2. The ends of justice served by the granting of this continuance outweigh the interest of the public and the defendants in a speedy trial, in accordance with Title 18, sect. 3161(h)(8)(A). In addition, time also excludable as defense pre-trial motions are now pending before this Court, in accordant with Title 18, sect. 3161(h)(1)(D).

3. IT IS THEREFORE ORDERED that the period of this continuance until July 20, 2015, shall be excluded under the Speedy Trial Act for the purposes of computing the time

1 within which this Indictment must be tried to allow for the effective preparation of counsel for
2 the reasons set forth in the parties' joint request.

3 SO ORDERED.

4
5 DATED: May 6, 2015.


RONALD W. WHYTE
United States District Judge